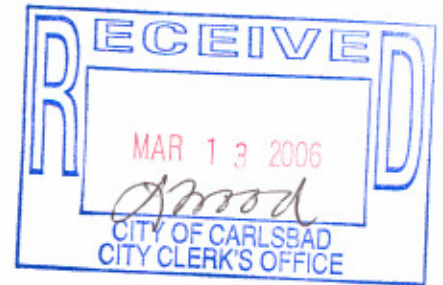


March 13, 2006

To: Lorraine Wood
City Clerk for the City of Carlsbad, California



Re: Notice of Intent to Circulate Petition and Request for Ballot Title and Summary for an Initiative to Amend the General Plan of the City of Carlsbad

NOTICE OF INTENTION TO CIRCULATE PETITION

Notice is hereby given by the persons whose names appear below of their intention to circulate a petition within the City of Carlsbad for the purpose of amending the City of Carlsbad General Plan to establish a responsible planning process for a unique group of properties centrally located within the City of Carlsbad ("City"), along Cannon Road east of Interstate 5, to 1) set the planning guidelines and requirements to consolidate presently unrelated open space areas and City parklands into a new Carlsbad Central Park for the Citizens of Carlsbad, 2) enhance the goals of the Growth Management Plan by requiring one comprehensive plan for these properties rather than separate plans for independent parcels as development is proposed, 3) reaffirm the desire of Carlsbad voters for the protection of open space areas, increased public access to open space, and the creation of public parkland and public places, and 4) establish specific standards and community benefits that must be met as part of any future development plan for this area.

REQUEST FOR TITLE AND SUMMARY

The persons whose names and addresses appear below, voters of the City of Carlsbad, California, hereby request that, within 15 days, a ballot title and summary be prepared for the proposed initiative filed herewith. Please forward this request immediately to the City Attorney as required by Elections Code section 9203.

This Request for Ballot Title and Summary is accompanied by the full text of the proposed initiative.

Also filed herewith is the statutory fee of \$200.00. (Elec. Code § 9202(b).)

<u>Mario R. Monroy</u>	<u>JOHN B STRAYER</u>	<u>Nancy J. Calverley</u>
Name	Name	Name
<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>
Signature	Signature	Signature
<u>749 Magnolia Ave. #B</u>	<u>2001 CIMA CT</u>	<u>7611 Primadua Way</u>
Address	Address	Address
<u>Carlsbad, CA 92008</u>	<u>CARLSBAD, CA</u> <u>92009</u>	<u>Carlsbad, CA 92009</u>

Carlsbad Gateway Parkland and Open Space Initiative of 2006

To the Honorable City Clerk of the City of Carlsbad: We, the undersigned, registered and qualified voters of the City of Carlsbad hereby propose an initiative measure to amend the City of Carlsbad General Plan. We petition you to submit this measure to the City Council of the City of Carlsbad for adoption without change, or for submission of the measure to the voters of the City of Carlsbad at a general or special election in accordance with the California Elections Code. The measure provides as follows:

Carlsbad Gateway Parkland and Open Space Initiative of 2006

The People of the City of Carlsbad do ordain as follows:

1. **Section 1. TITLE.**

- 1.1. This Initiative shall be known and may be cited as the "**Carlsbad Gateway Parkland and Open Space Initiative of 2006**".

2. **Section 2. PURPOSE AND FINDINGS.**

- 2.1 **Purpose.** A. The purpose of this Initiative is to establish a responsible planning process for a unique group of properties centrally located within the City of Carlsbad ("City"), along Cannon Road east of Interstate 5 (see Exhibit A). This initiative amends the General Plan of the City of Carlsbad to set the planning guidelines and requirements to consolidate presently unrelated open space areas and City parklands into a new Carlsbad Central Park for the Citizens of Carlsbad similar to other major parks in other cities such as Balboa Park in San Diego or Golden Gate Park in San Francisco. Exhibit A is incorporated herein by reference.

B. The City has a history and policy of carefully managing its growth through the 1986 voter approved Growth Management Plan. The Growth Management Plan sets limits on the amount of new residential development and ties the level of development to the availability of public services. The Growth Management Plan and General Plan policies promote the preservation of coastal lagoons, watersheds, open spaces and scenic resources, among others.

This initiative amends the Carlsbad General Plan to enhance the goals of the Growth Management Plan by requiring one comprehensive plan for these properties rather than separate plans for independent parcels as development is proposed. The plan will identify and protect critical open spaces and establish a network of interconnected areas and routes of public access throughout the properties. The measure requires that any plan for these properties meet or exceed all performance standards of the voter approved Growth Management Plan and sets specific future development standards and community benefits that



must be provided should these properties ever be considered for development.

C. This Initiative, by imposing a responsible planning process and setting guidelines and requirements for this unique group of properties, will reaffirm the desire of Carlsbad voters for the protection of open space areas, increased public access to open space, and the creation of public parkland and public places.

D. This Initiative also amends the General Plan to respond to the community's desire for an orderly and balanced planning process for these unique properties by establishing specific standards and community benefits that must be met as part of any future development plan for this area.

2.2 Location. The area affected by this initiative is more specifically described in section 3, Subsection 12.1 and 12.2 of this initiative, and involves both a Study Area and a Planning Area, as described below.

2.2.1. Study Area. The Study Area encompasses a central area of the city of Carlsbad and includes both existing open space areas and future planning areas. In general, the Study Area runs from Interstate 5 at Agua Hedionda Lagoon to the Lagoon's eastern end, and includes Veteran's Memorial Park, City Golf Course, and properties around Cannon Road east of Interstate 5.

2.2.2. Planning Area. This area is generally comprised of three geographic areas adjacent to Cannon Road east of Interstate 5. The most northern property is north of Cannon Road, east of I-5 and is approximately 250 acres. Of the two properties south of Cannon Road, the easternmost is east of Armada Drive and Legoland Drive, and north of the Legoland California site. It is approximately 26 acres. Of the properties south of Cannon Road, the westernmost is located west of Armada Drive and the Gemological Institute of America site and is approximately 45 acres.

Map showing the locations of these properties and Assessor Parcel Numbers ("APN's") are provided herein for location references. See Exhibit B, attached. If there is any conflict between the maps and the APN's, the APN's shall control. A map showing the locations of the subject APN's is provided herein (Exhibit B). Exhibit B is incorporated herein by reference.

2.3 Findings. The People of the City of Carlsbad find and declare that the subject lands of this initiative are currently regulated by City policy and established planning documents including, but not necessarily limited to, the City of Carlsbad General Plan, the City Zoning Ordinance (Title 21), the Agua Hedionda Local Coastal Program Segment Land Use Plan, the Mello II Local Coastal Plan Segment, the Habitat Management Plan, the Local Facilities Management Plan (Zones 3 and 13), the Growth Management Plan, the South Carlsbad Coastal Redevelopment Plan and the Carlsbad Ranch Specific Plan. The People of the

City enact this legislation to add additional planning requirements and provide necessary guidance for future planning in this important land use area as such affects community desires, health, safety and well being of the Carlsbad community.

2.3.1 Growth Management. In 1986, a citizen's initiative designed to direct and control growth changed the City of Carlsbad forever. This successful initiative created the Carlsbad Growth Management Plan which required a direct connection between new residential development allowed by the General Plan and provision of a variety of "quality of life" public facilities. The voter approved Growth Management Plan prohibits new development that is proposed without the provision of adequate public facilities thereby maintaining the high quality of life standards in the City of Carlsbad

In addition, the Growth Management Plan significantly reduced the "buildout" population totals for development from over 200,000 to just over 100,000 and set aside 40% of Carlsbad for preserved open space. This combination of guaranteed open space, public services and facilities combined with reduction in total dwelling unit numbers has helped to ensure that the progress of new development within Carlsbad has been balanced by the provision of adequate services. This initiative amends the Carlsbad General Plan to enhance the Growth Management Plan by planning for these properties rather than through separate planning for independent parcels as development is proposed.

2.3.2 Connecting Community Place and Spirit. In March 2003, the City introduced and sponsored a three-day learning conference titled "Connecting Community Place and Spirit" (the "CCPS"). Over 150 citizens participated in the interactive "visioning" program. Urban designers, philosophers and academicians discussed the future of the City of Carlsbad with residents, city staff members and elected officials. Following the conference the City began to conduct workshops throughout the community to discuss the results with interested citizens. The results of these meetings were integrated into the CCPS information. During 2004 and 2005 a large volume of information, thoughts and ideas were distilled into the Guiding Principles of CCPS (the "Guiding Principles"). Key components of these principles would:

- Provide mixed-use gathering spots with adequate parking and supported by citywide public transportation.
- Provide opportunities for people to interact formally and informally.
- Allow a balance of commercial and residential opportunities that are designed with sensitivity to human scale.
- Foster a sense of harmony and belonging for all generations.
- Protect open space.

In November 2005, the City reconnected with the CCPS group and others to continue the conversation. Individually and in groups in concert the participants reaffirmed their support for the Guiding Principles and became more specific in regard to location and concepts. The concept of a "civic village" emerged which would create a unique and special "center of the City" for generations to come, a center that is lacking now.

Following the November 2005 discussion, conference participants resolved to take the idea for a centrally located "civic village" to other members of the community. The participants had a vision for a central civic gathering place that ties the four quadrants of the City together in light of the Guiding Principles, as it could be in 2025. This initiative is a first step in taking that vision to the People of Carlsbad.

- 2.4 Recognitions.** The People of the City of Carlsbad recognize that portions of the area described in Section 2.2 of this initiative could be proposed for development in the future into public facilities, residential, commercial, and/or other developments and intend hereby to legislate and provide policy guidance for that development. The passage of this initiative will ensure that any future plan for this area is; (a) consistent with the voter approved Carlsbad Growth Management Plan and will include extensive dedication of public open space and other features that will benefit the entire community, and (b) is one comprehensive plan for the Planning Area and not piecemeal plans for separate parcels.

3. Section 3. GENERAL PLAN AMMENDMENT

The subject Study Area and Planning Area properties shall be designated a Combination District as described in Section II(C)(11) Land Use Classifications in the Land Use Element of the General Plan. Combination District lands are described in the Land Use Element as properties "...suitable for more than one land use classification" and "are assigned to areas in the early planning stages when it is unclear what the most appropriate land use designation may be or where the boundaries of such designations should be located." It further "...requires additional comprehensive planning and necessitates approval of a specific plan prior to development of 25 acres or more..."

The Combination District on the properties shall include the Open Space (OS) land use designation, and also new land use designations as described below.

The following amendment is made to the Carlsbad General Plan.

- 3.1** The Land Use Element at page 7, General Plan Land Use Map is hereby amended to modify the land use designations (to CGSA/OS and CGPA/OS) on the properties identified in Section 12(a) and 12(b) as shown on attached Exhibits C(1) and C(2). Exhibits C(1) and C(2) are incorporated herein by reference.
- 3.2** Additionally, the Land Use Element at page 21, **Section II(C) Land Use Classifications**, is hereby amended to add a new Land Use Element **Section**

II(C) (12) to provide as follows:

12. **Carlsbad Gateway Parkland and Public Access Study and Planning Areas**

- a. **Carlsbad Gateway Study Area.** The Carlsbad Gateway Study Area classification encompasses properties located in the center of the city of Carlsbad, surrounding the Planning Area (described in Section 12(b) on the north and east. More specifically, the Study Area involves the Agua Hedionda Lagoon from Interstate 5 to the eastern end, includes Veteran's Memorial Park, the City Golf Course, and properties around Cannon Road east of Interstate 5. This Study Area shall provide for high priority public land uses as identified in this Initiative (i.e.; open space for preservation of natural resources and open space for outdoor recreation including public parks, a high-interconnectivity public trail and access program (pedestrian and bike), and public viewing areas). The Study Area limits are demonstrated on Exhibit A to this Initiative.
- b. **Carlsbad Gateway Planning Area.** The Carlsbad Gateway Planning Area classification encompasses properties situated on three separate parcels lying on both sides of Cannon Road (one 257.2 acre parcel on the north side, and two parcels (45.5 ac. and 26.5 ac.) on the south side, for which any future use must be planned as a comprehensive master planning effort. Any future uses proposed for this Planning Area must meet the criteria and standards set forth in Section II (D)(8) of this Land Use Element. The planning and development standards described in Section II (D)(8) are intended to limit any future development to an approved plan that offers a balance of civic, public, open space, commercial and residential land uses that are planned and integrated at a pedestrian scale (within easy walking distance) where residents of the community of Carlsbad can conduct civic business, live, work and play, and reduce auto trips through "smart growth" policies in a mixed-use format, all in the center of the city. The Planning Area limits are demonstrated on Exhibit A to this Initiative.

- 3.3 Additionally, the Land Use Element at page 27, **Section II (D) Special Planning Considerations**, is hereby amended to add a new Land Use Element **Section II (D)(8)** to provide as follows:

8. **Carlsbad Gateway**

- a. **Study Area Special Planning Considerations:** The Carlsbad Central Park. A primary consideration in this central area of the City is to create a Carlsbad Central Park of interconnected open spaces and public access. Historically the City has envisioned a

park in the central part of the community and a small and separate Hub Park has been shown on park plans for the City for many years but no actions have been taken to actually create a park for citizens at this location.

It is intended that the Study Area will provide a framework for the City for the consolidation of parkland, open spaces and public places in this central area of the City area around the Agua Hedionda Lagoon

Many of the features of other "central" parks of other major cities such as San Diego's Balboa Park can be achieved within the Study Area boundaries. By creating a new Carlsbad Central Park, the variety of separate park and open space uses in this area can be combined and interconnected to enhance public access and recreational activities throughout the area. The new Carlsbad Central Park would provide both active and passive recreation and habitat preservation by encouraging the consolidation of future park plans for Veteran's Memorial Park (yet to be designed), the community golf course, active recreation fields and provision of trails and public access to the south shore of the Agua Hedionda Lagoon and many acres of native vegetation in the area.

The central feature of all the properties within the Study Area shall be a "backbone" of public parkland and public access which connects a complex of community and cultural features.

- b. Planning Area Special Planning Considerations.** This Planning Area provides for a long-range comprehensive planning approach to the development of the properties in a manner which cannot be accomplished on a parcel-by-parcel basis. Thus, in addition to the Study Area Goals, this land use category requires that this area be developed pursuant to a single Master Plan and not piecemeal, and further requires that any Master Plan created for this area must incorporate the following requirements:

- Provide for the preservation and buffering of sensitive environmental resources on the property consistent with the requirements of the Habitat Management Plan.
- Provide for the recreational and open space needs of the citizens through the creation of a Carlsbad Central Park with an extensive program of open space, including public recreational areas, natural parkland, and other open space compatible uses.
- Provide an opportunity to create a mixed use civic center, with office, administrative, residential, cultural, retail and restaurant uses that are consistent with the voter approved Growth Management Plan.

- Integrate public outdoor spaces, including public activity features such as plazas and paseos, gathering areas, an amphitheater, public art, and a combination of urban and nature trails.
- Provide connections to other points in Carlsbad and the region, through convenient access to public transportation, including an internal public shuttle system.
- Demonstrate full compliance with the public facility performance standards in accordance with the requirements of the Carlsbad Growth Management Plan.
- Develop a community identity for the project through control of project design elements such as architecture, landscaping, color treatment, paving, walls, fencing, signage and entry treatments.
- In order to preserve existing authorized development potential on Parcels APN 211-010-24, 211-010-05, 211-010-28 and 211-010-31 (See Exhibit B), a minimum of 48.26 acres shall be deemed developable within these four APNs when integrated into any Master Plan.

- 3.4 The Land Use Element at page 40, **Section III; Goals, Objectives and Implementing Policies and Action Programs**, is hereby amended to add a new Land Use Element **Section entitled Special Planning Considerations -- Carlsbad Gateway** to provide as follows:

SPECIAL PLANNING CONSIDERATIONS – CARLSBAD GATEWAY

A. GOALS

- A.1 Study Area.** Land use planning and regulations for the Study Area shall, first and foremost, provide for permanent protection of the environmentally sensitive open spaces of the Agua Hedionda Lagoon, the adjacent wetland habitats and the biologically-sensitive natural steep slopes located adjacent to the lagoon and the City Golf Course environs.
- A.2 Planning Area.** The sensitive open space resources of the properties shall be preserved. Adequate public facilities, traffic, water and air quality shall be in compliance with minimum standards as indicated in this section. Adequate public access, in conjunction with a civic village shall be included in the master plan of the site.
- A.3 Planning Area.** Any future plan for development of any portion within the Planning Area must be a single Master Plan for the entire Planning Area, and not separate plans for separate parcels.

B. Objectives:

- B.1 Study Area.** In locations where visitor-serving uses are allowed, provision of architecturally-pleasing structures, public areas, and compatible accessory uses shall be a priority.
- B.2 Study Area.** Public access to the coastline, lagoon shoreline and public places shall be accommodated to the highest degree possible.
- B.3 Study Area.** City Golf Course - The City Golf Course shall constitute an important feature of the open space program. Existing non-Open Space land use parcels on this property may be utilized as trade-off for specific future General Plan open space requirements allowed pursuant to this Initiative, implementing Policy C.20 of the Open Space and Conservation Element.
- B.4 Study Area.** Protection of watersheds and waterways will be of the highest priority.
- B.5 Study Area.** Motor vehicle transportation will be de-emphasized and alternative transportation methods will be promoted within the study area.
- B.6 Study Area.** All categories of open spaces within the study area shall be inventoried and documented.
- B.7 Planning Area.** To respond to community concerns regarding traffic, adequate public facilities, water and air quality, and residential density, this measure requires that any Master Plan submitted for the Planning Area meet the standards identified in the Implementing Policy and Action Programs in this section.

C. Implementing Policies and Action Programs:

- C.1 Study Area – Open Space.** The primary land use in the Study Area shall be open space. The open space shall include the conservation of Agua Hedionda Lagoon, wetland habitats, steep slopes containing sensitive biological resources around the lagoon, and the City Golf Course properties. This open space program shall result in a significant consolidated public passive and active recreation area.
- C.2 Study Area – Traffic Standards.** Allowance for visitor serving uses within specific locations, shall not degrade traffic levels of service (LOS) to below acceptability standards at intersections in and around the Study Area. Acceptable traffic levels of service are LOS D during peak hours and LOS C overall, in accordance with the approved Carlsbad Growth Management Plan.

- C.3 Study Area – Public Trails.** Public pedestrian trails and access to open spaces shall be provided to the highest degree possible subject to land rights, permits and approvals applicable within the Study Area.
- C.4 Planning Area – Open Space.** The sensitive open space resource of these properties shall be preserved with a requirement that a minimum of 60 percent of the total land area of the Master Plan shall be devoted to Open Space uses, such as:
- Community parks as defined by the Parks and Recreation Element of the General Plan;
 - Natural habitat conservation of biologically sensitive areas consistent with the Habitat Management Plan and Open Space Element of the General Plan;
 - Public trails;
 - Public beaches and shoreline facilities;
 - Public plazas, gathering places and walkways;
 - Ornamental and naturalized landscaping that reflects Carlsbad's heritage;
 - Civic facilities pursuant to the Open Space Element of the General Plan;
 - Amphitheaters and performing arts venues;
 - Parking facilities to serve open space uses, preferably non-hard surface;
 - Agriculture and new concepts of urban agriculture when compatible with surrounding uses. This component can be integrated with the open spaces planned in the Study Area, and serve as a preserved portion of the historical farming activities in the region. However, these operations must be designed to be economically feasible and self sufficient without taxpayer subsidy for the long term. If in excess of 140 acres of the total land area is conserved as biologically sensitive habitat, an agricultural conversion fee shall not be required; and
 - Other similar open space uses as determined through the Master Plan process.
- C.5 Planning Area – Traffic Mitigation and Minimum Traffic Service Level.** Any Master Plan for the Planning Area shall include a comprehensive traffic mitigation program that will not allow any road segment or intersection to exceed a Peak Hour Level of Service D and is consistent with the standards of the Carlsbad Growth Management Plan.
- C.6 Planning Area – Additional Park Acreage Required.** Any Master Plan submitted for this Planning Area shall provide a minimum of 20% in excess of existing City park acreage requirements.

- C.7 Planning Area – Limitation on Residential Use.** Residential uses are permitted as part of a Master Plan, but may not exceed the voter approved Growth Management Plan dwelling unit cap for the Northwest Quadrant. Further, no additional dwelling units may be added to the Growth Management Plan cap to accommodate this plan. Only those units anticipated through the Growth Management Plan can be allocated to this plan area.
- C.8 Planning Area – Affordable Housing Requirement.** A minimum of 15% of all residential units constructed shall be restricted to, and affordable to, lower income households in accordance with the requirements of the Inclusionary Housing Ordinance.
- C.9 Planning Area – Water Quality Requirement.** Any Master Plan shall include provisions to maintain the water quality of the Agua Hedionda Lagoon through a comprehensive storm water runoff management program that meets all City, State, and Federal water quality standards.
- C.10 Planning Area – Energy Efficiency.** All buildings shall be designed to use energy efficient materials. Solar energy systems shall be utilized on a minimum of 50% of the private structures within the planning area.
- C.11 Planning Area – Public Access.** Any Master Plan submitted for the Planning Area shall set as a primary goal an emphasis on public accessibility. The plan should de-emphasize the automobile and focus on pedestrian, internal shuttle services and access to mass transportation. The design shall include aspects that encourage pedestrian access from one location in the plan to another. Further, the plan shall provide convenient connection to and from the plan boundaries to other areas of the City. Transportation connections must be an integral part of plan design.
- C.12 Planning Area – Public Access.** Any Master Plan submitted for the Planning Area must also include a comprehensively designed public access system. This system will serve to connect the various properties in a manner which allows the public to freely traverse the area. This system can be comprised of a number of components such as:
- Broad public "paseos" with gathering areas, seating and water features;
 - Walkways of a variety of widths, depending on the circumstances, to create interest and "discovery" of places within the plan;
 - Connection and use of the existing underground connections between properties to maximize safe and effective pedestrian movement;
 - Integration of the "hard surface" system with the planned open spaces and natural trail systems;

- Off site pedestrian connections to significant points of interest, such as, the Carlsbad Company Stores outlet center, Armada Drive Promenade and Agua Hedionda Lagoon;
- A key feature of the system shall be a pedestrian overpass connecting the property on the south side of Cannon Road to the north. This feature shall be architecturally pleasing and serve as a "gateway" to this part of the City; and
- The public spaces shall be a dominant physical feature and shall serve as a functional "backbone" for the various geographic parts of the plan.

C.13 Planning Area – Cultural Uses. Any Master Plan submitted for the Planning Area shall contain an opportunity for a variety of cultural arts and public interest uses. These facilities may be jointly used by public and private parties. Cultural uses could include some or all of the following:

- Performing and visual arts venues, small and large;
- Space usable for gallery or museum users,
- Centralized public parking shall be made available for a variety of uses and users in a combined civic, public, mixed use environment.

C.14 Planning Area – Center City Gateway Civic Village. Any Master Plan submitted for the Planning Area shall provide the opportunity for a "civic village" component. The civic village area could contain a mix of land uses to create a vibrant area for public services and public activities. Each of the following use types could be considered essential to viability of the civic village:

- Carlsbad City administrative offices
- Cultural and performing arts facilities;
- Professional office space for private businesses
- Retail and restaurant opportunities
- Residential integrated with retail uses

C.15 Planning Area -- Compatibility. Any Master Plan shall be sensitive in its design and compatible with surrounding existing land uses. Land use buffers shall be provided where adjacent lands dictate. The plan uses shall be designed to provide landscaped pedestrian connections where feasible and support existing uses.

C.16 Planning Area – Special Architectural Design. Special architectural design guidelines must be included in any Master Plan for this Planning Area, which integrates the historical character of Carlsbad with the essence of the subject site located in the center of the city, overlooking the Pacific Ocean. Architectural diversity will be required within the Master Plan while enhancing, enriching and remaining consistent with the architectural theme.

- C.17 Planning Area – Application of Design Criteria.** A condition for approval of any and all projects proposed for development in accordance with the requirements herein, shall be that the City Council at a public hearing and after testimony on the matter, must have found such project to be consistent with this initiative.

4. Section 4. IMPLEMENTATION.

- 4.1 Effective Date.** This initiative shall be deemed adopted and effective as provided in Elections Code section 9217. However, pursuant to Government Code section 65358, if the General Plan of the City of Carlsbad has been previously amended four or more times in the calendar year in which this measure takes effect, the amendments to the General Plan enacted by this initiative shall take effect and be the first amendment to the General Plan in the subsequent calendar year.

Upon the effective date of this initiative, all General Plan amendments, rezonings, specific plans, tentative or final subdivision maps, parcel maps, conditional use permits, building permits or other ministerial or discretionary entitlements for use not yet approved or issued shall not be approved or issued unless consistent with the policies and provisions of this initiative.

The City of Carlsbad General Plan in effect on the date of filing the Notice of Intent to Circulate this initiative, and that General Plan as amended by this initiative, comprise an integrated, internally consistent and compatible statement of policies for the City. In order to ensure that the City's General Plan remains an integrated, internally consistent and compatible statement of policies for the City as required by State law and to ensure that the actions of the voters in enacting this initiative are given effect, any provision of the General Plan that is adopted between the date of the filing of the Notice of Intent, and the effective date of this initiative, to the extent that such interim-enacted provision is inconsistent with the General Plan provisions adopted this initiative, is hereby repealed.

- 4.2 Interpretation and Application.** This initiative shall be interpreted as consistent with all federal laws and the laws of the State of California and it shall be interpreted as consistent with all public utility land rights, permits, entitlements and approvals. This initiative shall not be interpreted as applicable to any property that is subject to vested rights pursuant to federal law or the laws of the State of California. It shall not be interpreted as applicable to any improvements, facilities or activities subject to the jurisdiction of the California Public Utility Commission or conducted or performed in the ordinary course of public utility business. This initiative shall be broadly construed in order to achieve the purposes stated in the initiative. It is not the intent of this initiative to make any change to the interpretation or applicability of Implementing Policy and Action Program C.20 of the Open Space and Conservation Element.

- 4.3 Other City Ordinances and Policies.** The City of Carlsbad is hereby authorized and directed to amend any other elements of the Carlsbad General Plan, the city Zoning Ordinance (Title 21), the Agua Hedionda Local Coastal Program Segment Land Use Plan, the Mello II Local Coastal Plan Segment, as well as all sub-plans, community plans, specific plans and other ordinances and policies and/or plans affected by this Initiative as soon as possible and in the manner and time required by any applicable State law to ensure consistency between the policies adopted in this Initiative and other elements of the City's General Plan, and between the General Plan as hereby amended by this Initiative, and such other ordinances, plans, subplans, segments and/or policies.
- 4.4 Severability.** If any section, sub-section, sentence, clause, phrase, part, or portion of this initiative, or the application thereof, is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this initiative. The voters hereby declare that this initiative, and each section, sub-section, sentence, clause, phrase, part, or portion thereof would have been adopted or passed even if one or more sections, sub-sections, sentences, clauses, phrases, parts, or portions, or the application thereof, are declared invalid or unconstitutional.
- 4.5 Conflicting Ballot Measures.** In the event that this measure and another measure or measures relating to the Study Area or the Planning Area, or any part thereof, is approved by a majority of voters at the same election, and this measure receives a greater number of affirmative votes than any other such measure or measures, this measure shall control in its entirety and said other measure or measures shall be rendered void and without any legal effect.
- If this measure is approved but does not receive a greater number of affirmative votes than said other measure or measures, this measure shall take effect to the extent permitted by law.
- If this measure is approved by voters but superseded by law in whole or in part by any other conflicting ballot measure approved by the voters at the same election, and the conflicting ballot measure is later held invalid, this measure shall be self-executing and given full force of law.

Exhibit List

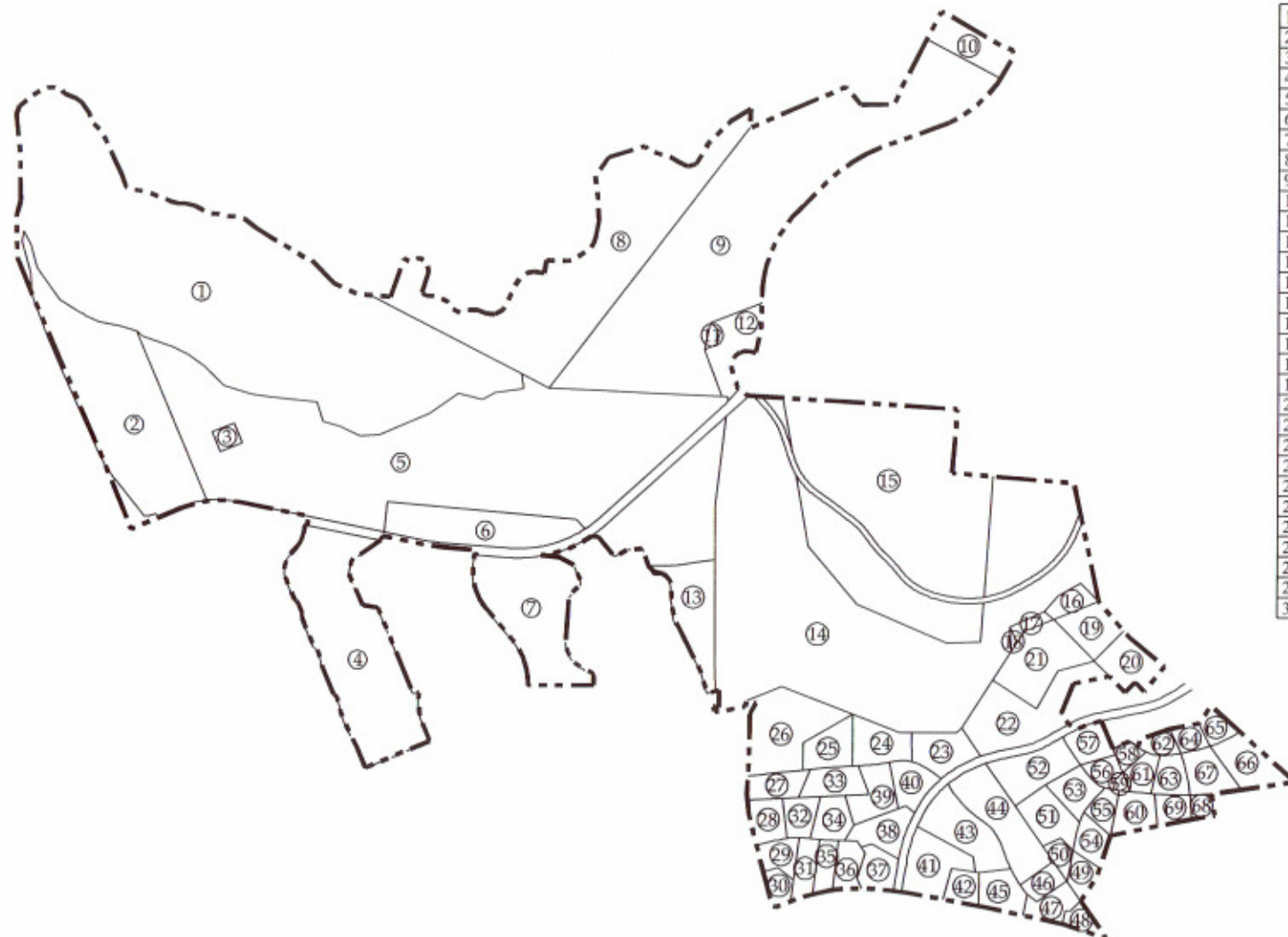
- Exhibit A – Aerial Photo Indicating Boundaries of the Study Area and Planning Area
- Exhibit B – Assessor's Parcel Map of Subject Properties
- Exhibit C (1) – City of Carlsbad General Plan Land Use Map - With modification proposed in Section 3.1 of this Initiative
- Exhibit C (2) – Portion of Exhibit C(1) Showing Area Subject to this Initiative



Exhibit A
Subject Properties
CARLSBAD GATEWAY PARKLAND AND OPEN SPACE INITIATIVE OF 2006
Carlsbad, California

APN Numbers

1	211-010-30	31	212-041-24
2	211-010-24	32	212-041-21
3	211-010-05	33	212-041-19
4	211-023-11	34	212-041-22
5	211-010-31	35	212-041-25
6	211-010-28	36	212-041-26
7	211-023-13	37	212-041-36
8	207-101-31	38	212-041-27
9	208-020-44	39	212-041-18
10	208-020-39	40	212-041-17
11	208-186-01	41	212-041-29
12	208-186-04	42	212-041-30
13	211-100-07	43	212-041-28
14	212-010-15	44	212-041-32
15	212-010-05	45	212-041-31
16	212-010-07	46	212-041-33
17	212-010-12	47	212-041-34
18	212-010-13	48	212-041-35
19	212-081-19	49	212-082-05
20	212-081-20	50	212-082-06
21	212-081-18	51	212-082-07
22	212-081-10	52	212-082-09
23	212-041-16	53	212-082-08
24	212-041-15	54	212-082-04
25	212-041-14	55	212-082-03
26	212-041-13	56	212-081-11
27	212-041-12	57	212-081-10
28	212-041-20	58	212-081-13
29	212-041-23	59	212-081-12
30	212-041-37	60	212-082-02
		61	212-081-14
		62	212-081-07
		63	212-081-15
		64	212-081-06
		65	212-081-04
		66	212-081-03
		67	212-081-02
		68	212-081-01
		69	212-082-01



GENERAL PLAN LAND USE MAP City of Carlsbad

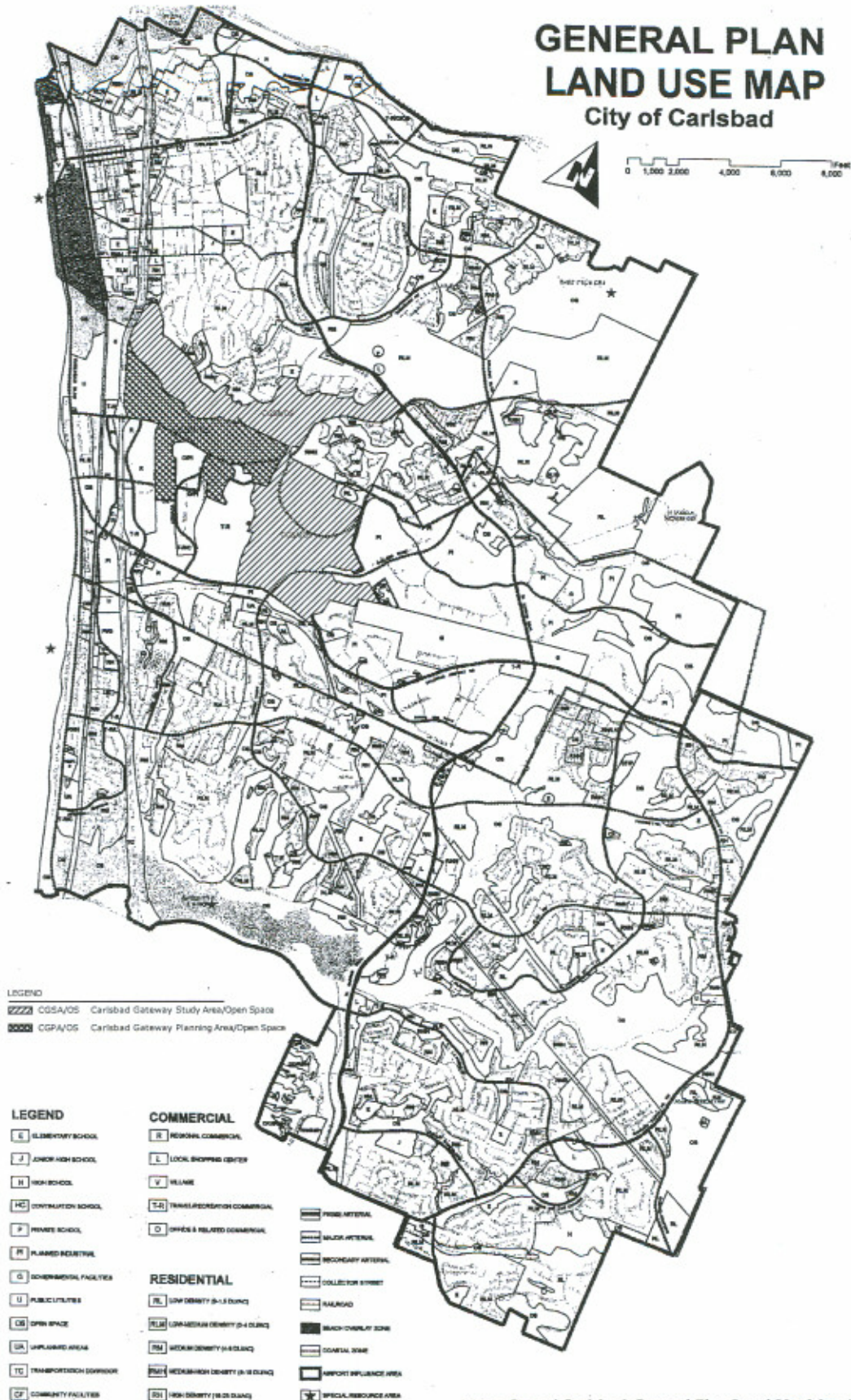
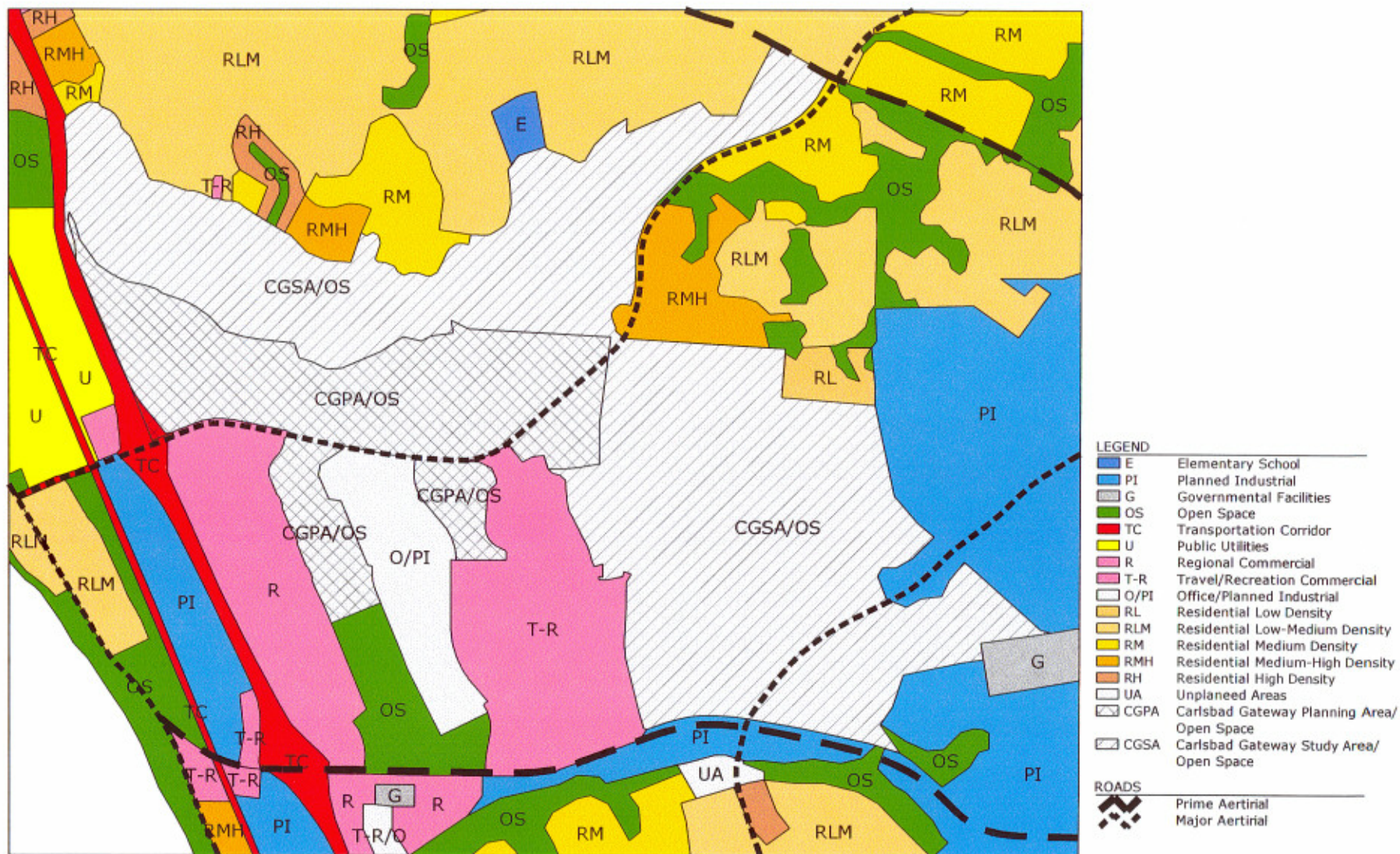


Exhibit C (1)
City of Carlsbad General Plan Land Use Map
With modification proposed in Section 3.1 of this Initiative
CARLSBAD GATEWAY PARKLAND AND OPEN SPACE INITIATIVE OF 2006
Carlsbad, California

Note: City of Carlsbad General Plan Land Use Map (Updated Sept. 2005)



Note: This map is a portion of Exhibit C (1) showing the area subject to this Initiative.

Exhibit C (2)
 Amended General Plan Land Use Map
 With modification proposed in Section 3.1 of this Initiative
 CARLSBAD GATEWAY PARKLAND AND OPEN SPACE INITIATIVE OF 2006
 Carlsbad, California

